

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

TASER INTERNATIONAL, INC.,
et al.,

Plaintiffs,

v.

MORGAN STANLEY & CO., INC.,
et al.,

Defendants.

Civil Case No.

1:10-CV-03108-JEC

DECLARATION OF BRAD M. ELIAS

I, Brad M. Elias, declare as follows:

1. I am an associate at the law firm of O'Melveny & Myers LLP ("OMM") and am one of the attorneys representing Defendant Merrill Lynch, Pierce, Fenner & Smith Incorporated ("Merrill Lynch") in this action. I make this declaration in support of Merrill Lynch's Motion for Protective Order with Respect to Plaintiffs' Amended Notice to Take Rule 30(b)(6) Deposition. I have personal knowledge of the facts recited herein except as otherwise indicated, and if called to testify concerning them under oath, I could and would competently testify thereto.

2. Attached to this declaration as Exhibit 1 is a true and correct copy of Plaintiffs' Third Set of Interrogatories to All Defendants except UBS, Fourth Set of

Interrogatories to UBS, and Fourth Requests for the Production of Documents to All Defendants.

3. Attached to this declaration as Exhibit 2 is a true and correct copy of Plaintiffs' Notice to Take O.C.G.A. § 9-11-30(b)(6) Deposition of Defendant Merrill Lynch, Pierce, Fenner & Smith, Inc.

4. Attached to this declaration as Exhibit 3 is a true and correct copy of an e-mail sent from Brad Elias to Steven Rosenwasser on November 17, 2010.

5. Attached to this declaration as Exhibit 4 is a true and correct copy of Plaintiffs' Amended Notice to Take Rule 30(b)(6) Deposition of Defendant Merrill Lynch, Pierce, Fenner & Smith, Inc.

6. Attached to this declaration as Exhibit 5 is a true and correct copy of an e-mail sent from Brad Elias to Steven Rosenwasser on November 19, 2010.

7. Attached to this declaration as Exhibit 6 is a true and correct copy of an e-mail sent from Steven Rosenwasser to Brad Elias on November 22, 2010.

8. Attached to this declaration as Exhibit 7 is a true and correct copy of an e-mail sent from Brad Elias to Steven Rosenwasser on November 23, 2010.

9. Attached to this declaration as Exhibit 8 is a true and correct copy of an e-mail sent from Steven Rosenwasser to Brad Elias on November 23, 2010.

10. Attached to this declaration as Exhibit 9 is a true and correct copy of the New York Stock Exchange Hearing Panel Decision 05-149, dated January 3, 2006, Bates-stamped ML-TASR0063173 to ML-TASR0063177.

11. Attached to this declaration as Exhibit 10 is a true and correct copy of the Georgia State Court of Fulton County's February 10, 2010 Order granting Plaintiffs' Motion to Compel Production of Documents.

12. Attached to this declaration as Exhibit 11 is a true and correct copy of the Plaintiffs' Reply in Support of Plaintiffs' Motion to Compel Production of Documents, filed December 3, 2009.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 24th day of November, 2010, in New York, New York.

/s/ Brad M. Elias
Brad M. Elias